

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	CASE NO.: 21-10598-amc
LOUIS GAROZZO and)	
PATRICIA GAROZZO,)	
Debtors)	CHAPTER 13

**RESPONSE TO OBJECTION TO PROOF OF CLAIM
FILED BY ALLY BANK PURSUANT
TO BANKRUPTCY RULE 3007 AND 11 U.S.C. §§ 506 AND 1325**

Ally Bank, (“Respondent”) by and through its attorneys, Mester & Schwartz, P.C., files
**Response to Objection to Proof of Claim Filed by Ally Bank Pursuant to Bankruptcy Rule
3007 and 11 U.S.C. §§ 506 and 1325** and states:

BACKGROUND

1. In response to Debtors’ paragraph (1), the Respondent admits the allegation.
2. In response to Debtors’ paragraph (2), the Respondent admits the allegations in part and denies the allegation in part. The Respondent admits the identification of the vehicle. The Respondent is without knowledge or information as to the mileage on the vehicle and therefore denies the allegations.
3. In response to Debtors’ paragraph (3), the Respondent admits the allegations in part and denies the allegation in part. The financing agreement was executed in 2018, not 20218.
4. In response to Debtors’ paragraph (4), the Respondent admits the allegation.
5. In response to Debtors’ paragraph (5), the Respondent admits the allegation.

RELIEF REQUESTED

6. In response to Debtors’ paragraph (6), the statement is a legal conclusion to which no response is required.
7. In response to Debtors’ paragraph (7), the statement is a legal conclusion to which no

response is required.

8. In response to Debtors' paragraph (8), the statement is a legal conclusion to which no response is required.
9. In response to Debtors' paragraph (9), the statement is a legal conclusion to which no response is required.
10. In response to Debtors' paragraph (10), the Respondent denies the allegation. The fair market value of the vehicle is \$20,700.00. See attached Exhibit A.
11. In response to Debtors' paragraph (11), the Respondent admits the allegation in part and denies the allegation in part. The Respondent admits that the Debtors filed the Schedule A/B as described. The Respondent denies as stated any other facts not admitted herein. The fair market value of the vehicle is \$20,700.00. See attached Exhibit A.
12. In response to Debtors' paragraph (12), the Respondent admits the allegation in part and denies the allegation in part. The Respondent admits that the prime rate at the Petition Date was 3.25%. The Respondent denies as stated any other facts not admitted herein.
13. In response to Debtors' paragraph (13), the Respondent admits the allegation in part and denies the allegation in part. The Respondent admits that the parties attempted to negotiate the fair market value of the vehicle. The Respondent is without knowledge or information as to the subjective state of the Movant and so denies any averment without as to the mental state of the Movant or its counsel. The Respondent admits that the parties have failed to negotiate a settlement at this time, but denies the allegation to the extent that it precludes a possible settlement in the future.
14. In response to Debtors' paragraph (14), the Respondent admits the allegation in part and denies the allegation in part. The Respondent admits that the paragraph states the Debtors'

proposal, but denies it is appropriate under the Bankruptcy Code. The Respondent believes it is entitled to \$20,700.00 at 5.25%.

WHEREFORE **Ally Bank**, respectfully requests this Honorable Court deny the objection to Respondent's Proof of Claim.

Respectfully submitted,

MESTER & SCHWARTZ, P.C.

BY: /s/ Jason Brett Schwartz
Jason Brett Schwartz, Esquire
P.A. I.D. #92009
Mester & Schwartz, P.C.
1917 Brown Street
Philadelphia, PA 19130
(267) 909-9036
Attorneys for Ally Bank

Dated: November 12, 2021